

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In re: Richard Stephen Williams : CASE NO. 3:18-bk -31541
Debtor : Chapter 7
: Judge Guy R. Humphrey

MOTION FOR RELIEF FROM STAY

Plaintiff has filed a Motion for Abstention with this Court under either 28 U.S.C. § 1334(c)(1) or (c)(2). Should Plaintiff's Motion for Abstention be granted, Plaintiff requests that this Court simultaneously grant it relief from the stay ordered by the Common Pleas Court of Montgomery County, Ohio. As such, the state court action filed in the Common Pleas Court of Montgomery County, Ohio can then be reactivated.

Pursuant to 11 U.S.C.S. § 362(d), a party may request relief from an 11 U.S.C.S. § 362 automatic stay. Plaintiff's case was stayed by the Common Pleas Court on August 28, 2018 in accordance with 11 U.S.C.S. § 362. The August 28 Order stated that: "This case is ORDERED stayed and administratively dismissed, without prejudice, and is subject to reactivation upon

either an order of the bankruptcy court granting relief from the stay or final disposition of Defendant Williams' bankruptcy case."¹ (Emphasis added).

In Plaintiff's Motion for Abstention filed with this Court, Plaintiff outlined that the debtor has been dismissed from the state court action. Further, that Plaintiff's claims are based upon state law. Therefore, in the interest of justice and judicial economy, the stay should be lifted so that the state court action may proceed.

For the following reasons, Plaintiff respectfully requests that this Court grant it relief from the stay ordered by the Common Pleas Court of Montgomery County, Ohio. Consequently, the state court action filed in the Common Pleas Court of Montgomery County, Ohio may then be reactivated.

Respectfully Submitted,

/s/ Craig T. Matthews

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Counsel for Plaintiff Tara Brown

¹ See Entry and Order Staying the Case Pursuant to 11 U.S.C.S. § 362, dated August 28, 2018.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Abstention was served **electronically** on the date of filing through the court's ECF System on all ECF participants registered in this case at the email address registered with the court and by **ordinary U.S. Mail** on April 11, 2019 addressed to:

David T. Davidson,
Attorney for Debtor
Richard Stephen Williams
2 South Third Street, Suite 301
Hamilton, Ohio 45011

Richard Stephen Williams, Debtor
2973 Jamestown Gunnersville Road
Jamestown, Ohio 45335

/s/ Craig T. Matthews

Craig T. Matthews (0029215)
Counsel for Plaintiff, Tara Brown

NOTICE OF MOTION/OBJECTION

Tara Brown, on Behalf of the Estate of James Benjamin Rogers has filed papers with the court to obtain a relief from stay.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the court to grant the relief sought in the motion/objection, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion/objection**, you must file with the court a response explaining your position by mailing your response by ordinary U.S. Mail to 120 West Third Street, #100, Dayton, Ohio 45422, OR your attorney must file a response using the court's ECF System.

The court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the court's ECF System or by 2) ordinary U.S. Mail to Craig T. Matthews, Attorney for Plaintiff, 320 Regency Ridge Drive, Centerville, Ohio 45459, and David T. Davidson, Attorney for Defendant, 2 South Third Street, Suite 301, P.O. Box 567, Hamilton, Ohio 45011, and Wayne P. Novick, Attorney for Defendant, 2135 Miamisburg-Centerville Road, Centerville, Ohio 45459.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion/objection and may enter an order granting that relief without further hearing or notice.